

SEP 20 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re: Application of Stephen A. Culp)

Examiner: J. Novosad

For: Modular Construction System)

Group Art Unit: 3634

Serial No.: 10/634,685)

Filed: 08/06/2003)

AMENDMENT/RESPONSE TO OFFICE ACTION

September 20, 2004

Mail Stop Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir/Madam:

This is in response to the Office Action mailed on May 19, 2004 (the "Office Action"). Claims 1-20 are pending in the application. Claims 1-4, 8-11, 14 and 18 have been rejected. More particularly, claims 8, 11, 14 and 18 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1-3 have also been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,812,977 of Glassman ("Glassman '977"). In addition, claims 1-4 and 8-10 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 2,854,724 of Wuorio ("Wuorio '724"). Further, claims 1, 4, 7, 8, 11, 14 and 18 have been objected to based upon a number of informalities.¹ Still further, the

¹ The Office Action Summary states that claims 5-7, 12, 13, 15, 17, 19 and 20 have been objected to, but the Detailed Action describes objections to claims 1, 4, 7, 8, 11, 14 and 18 only. In this Amendment/Response to Office Action, Applicant addresses only the objections described in the Detailed Action (i.e., claims 1, 4, 7, 8, 11, 14 and 18) because the Office Action does not provide a description of any objectionable claim language in claims 5-7, 12, 13, 15-17, 19 and 20, and the reference to these claims in the Office Action Summary appears to be a clerical error.

abstract, the specification and the drawings have been objected to based upon a number of informalities.

On September 16, 2004, Examiner Jennifer E. Novosad and counsel for Applicant conducted a telephone interview. On September 17, 2004, counsel for Applicant and Examiner Novosad exchanged e-mail correspondence regarding the telephone interview conducted on the previous day. The substance of these communications is summarized in Applicant's "Written Statement Regarding Telephone Interview Pursuant To 37 C.F.R. § 1.133(b)" which was filed on September 17, 2004. As described more fully below, the amendments discussed during these communications have been incorporated into this Amendment/Response to Office Action.

More particularly, Applicant has now amended the claims, the abstract, the specification and the drawings of his application to address the rejections and objections cited in the Office Action. Indeed, Applicant has amended claim 1, and by dependency therefrom claims 2-19, to address the rejections under 35 U.S.C. §§ 102(b) and 103(a), as described in more detail below. In addition, Applicant has amended claim 1, claim 4, claim 7, claim 8, and by dependency therefrom claims 9 and 10, claim 11, and by dependency therefrom claims 12 and 13, claim 14, and by dependency therefrom claims 15, 16 and 17, and claim 18, and by dependency therefrom claims 19 and 20, to address the rejections under 35 U.S.C. § 112, second paragraph, and the objections based upon informalities. Applicant has also amended the abstract and the specification and added Figure 14 to address the informalities cited in the Office Action. Finally,

Applicant reserves the right to address any objections to claims 5-7, 12, 13, 15-17, 19 and 20 in the event any such objections are later identified.

Applicant offers the following remarks to address the rejections of and objections to his claims and the objections to his specification, abstract and drawings. Applicant respectfully requests reconsideration of the application in view of such remarks and amendments.

Because no claims are being added beyond the number for which a fee was previously paid, the filing of this Amendment/Response to Office Action does not require the payment of an additional filing fee. Applicant submits herewith a Petition for Extension of Time in which to Respond to Office Action and a check in the amount of \$55.00 to cover the fee for a one-month extension.

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